



COLORADO • SINCE 1878

2019 Municipal Election Guide City Council Candidates and Political Committees

Regular Municipal Election - November 5, 2019



City Clerk's Office
749 Main Street
Louisville CO 80027
303.335.4536

December 3, 2018

GENERAL INFORMATION

Date of Election

Tuesday, November 5, 2019

Method of Election

Coordinated Mail Ballot with Boulder County Clerk and Recorder

Ballot Contents

Mayor (at-large), November 2019 – November 2023

Ward I Councilmember, November 2019 – November 2023

Ward II Councilmember, November 2019 – November 2023

Ward III Councilmember, November 2019 – November 2023

There may be one or more Louisville ballot issues and/or questions on the ballot in addition to City Council seats.

Qualifications for Elective Office

- Citizen of the United States
 - 18 years of age
 - Registered to vote in the City of Louisville
 - Resident of Louisville and the Ward for one year immediately prior to the election
- Steps to verify any or all candidate qualifications will occur after petition submittal*
-

Nomination Petitions

Petitions may be circulated **only from August 6, 2019 to August 26, 2019.**

Every petition shall include an attached written affidavit of the candidate accepting such nomination.

The acceptance of nomination shall contain the place of residence and the name of the candidate in the form he/she wishes it to appear on the ballot. The candidate's name may be a nickname or include a nickname, but shall not contain any title or degree designating the business or profession of the candidate.

Candidates for City Council must obtain the signatures of at least 25 registered electors residing within the Ward in which they are running; candidates for Mayor must obtain the signatures of at least 25 registered electors residing within the City. Each registered elector signing a nomination petition must print his/her address along with his/her signature. A registered elector may sign only one petition for candidacy in his/her ward and one petition for Mayor.

Candidate Affidavit

The Affidavit is due within ten (10) days after becoming a candidate (public announcement and subsequently, receiving a contribution or making an expenditure).

Write-in Candidate

Write-in votes are only counted if the candidate has filed an Affidavit of Intent with the City Clerk.

Withdrawal from Nomination

A person whose nomination petition has been properly completed and certified may withdraw from nomination by filing a written affidavit with the City Clerk any time prior to twenty-three (23) days before the election.

Fair Campaign Practices Act

Included in this packet of information is a copy of the Colorado Fair Campaign Practices Act (FCPA), which regulates certain campaign practices and provides for public disclosure of a candidate's financial interests and all campaign financing for candidates, issues and political committees. Also enclosed are reporting forms for the FCPA, for reporting contributions and expenditures made to or by a candidate committee and other committee subject to the FCPA. Candidates and their committees should consult with their own counsel regarding filings and forms. Certain filing dates are included with the calendar provided in this packet.

All Campaign Financing contributions and expenditures in a municipal election are reported to the City Clerk and are subject to open records requests.

Code of Ethics

Enclosed is a copy of the City of Louisville's Ethics Code, adopted as part of the Home Rule Charter, on November 6, 2001. The Ethics Code establishes guidelines for standards of conduct for all city officials and employees by setting forth those acts and actions incompatible to the best interest of the City of Louisville. The Code also outlines sanctions for public officers or employees who violate provisions of the Ethics Code.

Election Ward Map

A Ward Map is available on the City Council's web page at LouisvilleCO.gov.

Voter Lists

Election data is available from the Boulder County Clerk's Office, Election Division (<https://www.bouldercounty.org/elections/maps-and-data/data-request-form/>).

Time Commitment

The Mayor and City Council can expect to spend an average of 20-30 hours per week on City business. This time includes preparation for and participation in regular meetings and study sessions, as well as other standing board and committee meetings and general City business. The attached list provides additional information about meetings at which there is City Council representation and attendance.

Compensation

The position of Mayor is currently compensated at \$13,320 per year and each Councilmember is compensated at \$11,664 per year. In addition to the salary, benefits include an annual membership to the Louisville Recreation Center, membership in the city's health insurance programs in which any premiums will be paid by the Councilmember, and the option to contribute to a 457 account through the City's retirement plan.

Term Limits

The Mayor and Councilmembers are limited to two (2) consecutive four-year terms.

City Council Information

General Municipal Elections for the Mayor and City Council take place in odd-numbered years.

Louisville's City Council consists of the Mayor and six Council members. Council members are elected for four-year, staggered terms; two people from each of the City's three wards. The Mayor is elected at-large for a four-year term.

Current City Council

Mayor Bob Muckle	At-large	Term Expires November 2019
Chris Leh	Ward I	Term Expires November 2021
Jay Keany	Ward I	Term Expires November 2019
Jeff Lipton	Ward II	Term Expires November 2021
Susan Loo	Ward II	Term Expires November 2019
Ashely Stolzmann	Ward III	Term Expires November 2021
Dennis Maloney	Ward III	Term Expires November 2019

Public Records

All candidate information, petitions, financial reports, and forms and are public records and may be given to the public upon request.

ELECTION CALENDAR

DEADLINE	ACTION
Upon Candidacy	Candidate Affidavit due to City Clerk within ten (10) days of becoming a candidate (public announcement and subsequently receiving a contribution or making an expenditure)
August 6	First day Nomination Petitions may be circulated
August 26	Last day Nomination Petitions may be filed with the City Clerk
August 30	Last day Nomination Petition signatures, if determined by the City Clerk to be insufficient, may be amended, corrected, or replaced
September 2	Last day affidavit of intent for write-in candidates may be filed with City Clerk.
September 6	Last day City Clerk can finalize the City's ballot and certify contents to the Boulder County Election Office
October 14	First day mail ballots may be sent to registered electors and made available at the Boulder County Election Office
October 15	Campaign report (beginning of campaign through October 15) due to City Clerk per Fair Campaign Practices Act (21 days prior to the election)
November 1	Campaign report (October 16 – November 1) due to City Clerk per Fair Campaign Practices Act (Friday before the election)
November 5	ELECTION DAY
December 5	Campaign report (November 2 – December 5) due to City Clerk per Fair Campaign Practices Act (30 days after the election)
Annually	Campaign report (if applicable) due on November 1 st of each year following election

**PUBLIC NOTICE
NOTICE OF 2019 REGULAR
MUNICIPAL ELECTION**

The City of Louisville will conduct a Regular Municipal Election on November 5, 2019 to elect the Mayor and one City Council member for each Ward. The Mayor is elected at-large; the City is divided into three wards and each ward is represented by two councilmembers. The Mayor serves a 4-year term; City Council members serve 4-year staggered terms. The incumbents whose seats are up for election are:

Mayor Bob Muckle
City Councilmember Jay Keany – Ward I
City Councilmember Susan Loo – Ward II
City Councilmember Dennis Maloney – Ward III

Candidates may download a 2019 Election Packet, including nomination petitions, from the City's web site at LouisvilleCO.gov or pick one up from the City Clerk's Office (749 Main Street). Candidates may circulate nomination petitions *only* from Tuesday, August 6, through Monday, August 26, 2019. Each petition requires 25 signatures from registered electors residing within the City for the Mayor or within the candidate's ward for Councilmembers. Registered electors may sign only one petition in his/her ward for Councilmember seats or one petition for Mayor. Completed petitions must be filed with the City Clerk's Office no later than 5:00 pm on Monday, August 26, 2019.

Mayoral Candidates must:

- have been residents of the City for at least one year preceding the election
- be registered to vote in the City of Louisville
- be at least 18 years of age
- be a citizen of the United States

City Council Candidates must:

- have been residents of the Ward in which they are running for at least one year preceding the election
- be registered to vote in the City of Louisville
- be at least 18 years of age
- be a citizen of the United State

Election Information:

Date of the Election: November 5, 2019 – Coordinated Mail Ballot Election

Voter Qualification:

To vote in the 2019 election you must be:

- 18 years of age
- A citizen of the United States
- A resident of Colorado and the Municipal Election Ward for at least 30 days
- A registered elector in the City of Louisville

CANDIDATE CHECKLIST

Candidate Nomination:

- ☐ Citizen of the United States.
- ☐ At least 18 years of age.
- ☐ Registered to vote in the City of Louisville.
- ☐ Resident of Louisville and the Ward for one year immediately prior to the election.
- ☐ Candidate's Affidavit completed and signed before a Notary Public and filed with the City Clerk.
- ☐ Completed Nomination Petition signed by at least 25 registered electors residing in the City of Louisville for Mayor and within the Ward in which you are running for Councilmembers. (Nomination Petition circulated **only** from August 6 to August 26.)
- ☐ Nomination Petition filed with the City Clerk no later than August 26.
- ☐ Affidavit of Circulator completed and signed before a Notary Public.
- ☐ Criminal History Disclosure form completed and filed.
- ☐ New Committee Registration Form (if you choose to form a candidate committee) filed.
- ☐ Personal Financial Disclosure Statement filed.
- ☐ Acknowledgement of receipt of Code of Ethics filed.

Campaign Reporting

Fair Campaign Practices Act filings due:

- October 15, 2019 – 21 days prior to the election, *reporting period beginning of campaign – October 15, 2019*
- November 1, 2019 – Friday before the election, *reporting period October 16, 2019 – November 1, 2019*
- December 5, 2019 – 30 days after the election, *reporting period November 2, 2019 – December 5, 2019*
- November 1, 2020 (and annually thereafter as long as account is open)

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

CANDIDATE AFFIDAVIT

This affidavit certifies that I, _____, am a candidate
name

for the 2019 election for the office of: MAYOR AT-LARGE OR CITY COUNCIL, WARD ____ (circle one)

I understand campaign finance activities in Colorado are governed by Article XXVIII of the Colorado Constitution, Article 4, Title 1 of the Colorado Revised Statutes (C.R.S.) (also known as the Fair Campaign Practices Act (FCPA)), and the Secretary of State's Rules Concerning Campaign Finance. I further certify I am familiar with the provisions of the Colorado Fair Campaign Practices Act (FCPA) as required in §1-45-110 of the Colorado Revised Statutes.

Signature of Candidate: _____ Date: _____

Physical Address of Candidate: _____
(Street, City, State, Zip)

Mailing Address: _____

Home Phone: _____ Cell Phone: _____

Email Address: _____

STATE OF COLORADO)
COUNTY OF BOULDER)

Before me, _____, a notary public, authorized to administer oaths, in and for said State of Colorado, personally appeared _____, whose name is subscribed to the foregoing Candidate Affidavit, and who affirms, said statements are true and he/she acknowledges for execution of said instrument to be of their own free act and voluntary deed for the uses and purposes therein set forth.

Subscribed and affirmed before me this _____ day of _____, 2019.

(Seal)

Notary Public Signature

My Commission Expires

CANDIDATE AFFIDAVIT INSTRUCTIONS

References: Colorado Constitution Section 2(2), article XXVIII; Colorado Revised Statutes – Section 1-45-110(1), C.R.S.

What is the purpose of this form? This form is to be used by all candidates seeking an elected office in the City of Louisville.

When should this form be filed? This form must be filed with the Louisville City Clerk within 10 days of becoming a candidate.

When does an individual become a candidate? When the individual publicly announces intent to seek public office and thereafter receives a contribution or makes expenditure in support of the candidacy.

What is the definition of public announcement: When a person makes a statement signifying an interest in the office by speech, advertisement, or other communication reported or appearing in public media or in any place accessible to the public. A reasonable person would expect the statement to become public. It also includes a stated intention to explore the possibility of seeking an office. The registration of a candidate committee shall also constitute a public announcement of an intention to seek election or retention.

COMPLETING THE FORM

1. Print or type the name of the candidate on the first line.
2. Print or type the year the office is up for election and the office being sought.
3. Print or type the physical address of the candidate, including street, city, state and Zip Code.
4. Print or type the candidate's business or residential telephone number.
5. Print or type the candidate's email address. The City Clerk will use this address to send notices and correspondence.
6. The candidate must sign and date the form in the presence of a Notary Public.
7. The remainder of the form must be completed by a Notary Public.

*Please note this form and all the information contained within is considered public information.
All information is required.*

NOMINATION FORM INSTRUCTIONS

Petition

A Nomination Petition is required and must be signed by at least 25 registered electors residing in the City of Louisville. Petitions for Mayoral candidates may be signed by any Louisville resident; petitions for City Council candidates must be signed by residents residing within the candidate's Ward.

Petitions may be circulated and signed ONLY between August 6 and August 26, 2019. The petition must be filed with the City Clerk no later than 5 pm on Monday, August 26.

The Petition Circulator must certify the Petition with a signature before a Notary Public (notaries are generally available at City Hall). The Petition Circulator may be the Candidate.

The Candidate accepts the nomination by signing the completed Petition, before a Notary Public, and certifying the qualifications to run for a Louisville municipal office have been satisfied. The City Clerk will review the filed petitions. Any petition may be amended within the given time frame to correct or replace those signatures which are found to be in apparent non-conformity with election requirements.

The Nomination Petition form is included in this section for your use.

Process

1. Petitions may be circulated and signed only between August 6 and August 26, 2019.
2. The person signing must be a registered voter within the City of Louisville at the address indicated on the petition form. Each person signing the petition is required to sign the form as his/her name appears on his/her voter registration.
3. A person may only sign for City Council candidates within his/her ward.
4. A person may only sign ONE City Council candidate petition and ONE mayoral candidate petition.
5. The petition circulator must personally observe every eligible voter who signs the petition. (Petitions cannot be left on a counter or desk unattended for persons to sign).
6. There may be only ONE CIRCULATOR FOR EACH PETITION SHEET.
7. Make certain all required information is complete.
8. A SIGNER MUST USE THE ADDRESS WHERE HE/SHE RESIDES AND IS REGISTERED TO VOTE.
9. A POST OFFICE BOX IS NOT A PLACE OF RESIDENCE. Street number and name must be provided.
10. If a small correction is made, the signer should initial the change. If a large correction is required, the signer should cross out the incorrect information and proceed to the next line.
11. If the signer is disabled and needs assistance, A THIRD PARTY should provide that assistance.

THE CIRCULATOR CANNOT ASSIST THE SIGNER. The person providing assistance shall also SIGN AND STATE THAT ASSISTANCE WAS GIVEN.

12. NO PERSON MAY SIGN FOR ANOTHER.

13. EVERY VALID SIGNATURE COUNTS! Each line on a petition does not have to be filled, but it does have to be correctly notarized. Twenty-five (25) registered voters are required, however many times signers of a petition are not registered to vote. We suggest you try to get more signatures than needed in case some signatures are ruled invalid.

14. When the circulator has finished collecting signatures, take the petition to a Notary Public. The affidavit on the petition form should be signed by the circulator and dated IN THE PRESENCE OF THE NOTARY, who will then notarize the affidavit (notaries are generally available at City Hall).

15. NO ADDITIONAL SIGNATURES MAY BE COLLECTED after the affidavit has been notarized.

16. The petition must be submitted to the City Clerk no later than five p.m., on Monday, August 26, 2019 (71 days before the election).

*THE TOP HALF OF THIS FORM MUST BE COMPLETED BY THE CANDIDATE
BEFORE CIRCULATING FOR SIGNATURES*

Official Nomination Petition for the City of Louisville, Colorado, which operates under the Colorado Municipal Election Code.

To: Meredyth Muth, City Clerk

I, _____, who resides at
full name of candidate

_____ in the City of Louisville, Colorado,
street address

hereby petition to be a candidate for the office of **Mayor**, for the term of four (4) years, to be voted upon at the Regular Municipal Election to be held on the 5th day of November, 2019.

SIGNATURE OF PETITIONERS

Printed Name	Signature	Address Number, Street Louisville, Boulder County, CO	Date
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Printed Name	Signature	Address Number, Street Louisville, Boulder County, CO	Date
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			
28.			
29.			
30.			

AFFIDAVIT OF CIRCULATOR

I, _____, hereby certify that I circulated this petition
full name of circulator

and that each signature is the signature of the person whose name it purports to be and that each signer has stated that he or she is a registered elector in the City of Louisville, Colorado and the Ward to which this petition refers.

Signature of Circulator

Date

STATE OF COLORADO)
)
COUNTY OF BOULDER)
)

Subscribed and sworn to before me this _____ day of _____, 2019.

(SEAL)

Notary Public

My commission expires _____

CANDIDATE MUST COMPLETE BEFORE ACCEPTING NOMINATION

I, _____ will have attained the age of eighteen-years or older, I am a citizen of the United States, a resident of Colorado and Louisville for at least twelve (12) consecutive months immediately preceding the date of the election.

ACCEPTANCE OF NOMINATION

I, _____ hereby accept the nomination tendered me by the foregoing petitioners for the office of Mayor.

Signature of Candidate

Date

Mailing Address

Email Address

Home Phone Number

Cell Phone Number

STATE OF COLORADO)
)
COUNTY OF BOULDER)
)

Subscribed and sworn to before me this _____ day of _____, 2019.

(SEAL)

Notary Public

My commission expires _____

*THE TOP HALF OF THIS FORM MUST BE COMPLETED BY THE CANDIDATE
BEFORE CIRCULATING FOR SIGNATURES*

Official Nomination Petition for the City of Louisville, Colorado, which operates under the Colorado Municipal Election Code.

To: Meredyth Muth, City Clerk

I, _____, who resides at
full name of candidate

_____ in the City of Louisville, Colorado,
street address

hereby petition to be a candidate for the office of **City Council, Ward** _____, for the term of four (4) years, to be voted upon at the Regular Municipal Election to be held on the 7th day of November, 2019.

SIGNATURE OF PETITIONERS

Printed Name	Signature	Address Number, Street Louisville, Boulder County, CO	Date
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Printed Name	Signature	Address Number, Street, Louisville, Boulder County, CO	Date
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
27.			
28.			
29.			
30.			

AFFIDAVIT OF CIRCULATOR

I, _____, hereby certify that I circulated this petition
full name of circulator

and that each signature is the signature of the person whose name it purports to be and that each signer has stated that he or she is a registered elector in the City of Louisville, Colorado and the Ward to which this petition refers.

 Signature of Circulator

 Date

STATE OF COLORADO)
)
 COUNTY OF BOULDER)
)

Subscribed and sworn to before me this _____ day of _____, 2019.

(SEAL)

 Notary Public

My commission expires _____

CANDIDATE MUST COMPLETE BEFORE ACCEPTING NOMINATION

I, _____ will have attained the age of eighteen-years or older, I am a citizen of the United States, a resident of Colorado and Louisville Election Ward _____ for at least twelve (12) consecutive months immediately preceding the date of the election.

ACCEPTANCE OF NOMINATION

I, _____ hereby accept the nomination tendered me by the foregoing petitioners for the office of City Council, Ward _____.

Signature of Candidate

Date

Mailing Address

Email Address

Home Phone Number

Cell Phone Number

STATE OF COLORADO)
)
COUNTY OF BOULDER)
)

Subscribed and sworn to before me this _____ day of _____, 2019.

(SEAL)

Notary Public

My commission expires _____

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

date stamp

PERSONAL FINANCIAL DISCLOSURE STATEMENT

Name: _____

Residence Address: _____

Cell Phone: _____ Residence Phone: _____ Business Phone: _____

☐ I am filing as a Candidate for the office of _____

☐ I am filing as an Incumbent in the office of _____

OCCUPATION: _____

NAME OF MY EMPLOYER: _____

INCOME: List below the source, nature and recipient of any income in excess of \$1,000.00 per year, including without limitation, capital gains whether or not taxable, dividends, interest, wages, salaries, rents and profits.

Source and Nature of Income	Recipient of Income (Name of individual receiving income)(Relationship to Candidate/Incumbent - Self, Spouse, Minor Children)

--

BUSINESS ENTITIES: List below the name, location, and nature of activities of any business entity with holdings of real or personal property or with business dealings in Boulder County, in which you have any interest, and the nature of the interest.

Name and Location of Business	Nature of the Business	Nature of Interest

PROPERTY: List the address and location of any real property within Boulder County in which you have an interest or, if you have a controlling interest in an entity or enterprise disclosed above, the address and location of real property in which such entity or enterprise has an interest.

Address and Location of Property	Owner of Record

ADDITIONAL INFORMATION: Add below any additional information you wish to disclose.

SWORN STATEMENT:

I hereby swear or affirm under penalty of perjury that, to the best of my knowledge, information and belief, the information provided in this disclosure statement is accurate and complete. I acknowledge that for the purposes of Sections 5-9 and 5-10 of the Code of Ethics (regarding standards of conduct and disclosure), I am deemed to have an interest in my own financial affairs and in the financial affairs of my spouse or other relatives as specified in the Code of Ethics, and that I must disclose such interests pursuant to Section 5-10 and comply with the non-participation provisions thereof. I further acknowledge that it is a violation of the Code of Ethics to fail to file the statement within the time required in the Code of Ethics.

Candidate/Incumbent Signature

Date

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

CRIMINAL HISTORY DISCLOSURE

Louisville Home Rule Charter Sections 3-3(c) & (d)

Have you ever been convicted of a felony offense, embezzlement, bribery, perjury, solicitation of bribery, or subordination of perjury? ☐ YES ☐ NO If yes, list for each case: (1) date of offense; (2) charge; (3) jurisdiction; (4) court name and (5) disposition:

Per the City Charter Sections 3-3 (c) & (d) any person who seeks election or appointment to the office of Councilmember, and who has been convicted of any of these offenses, shall disclose the same in writing under penalty of perjury. A conviction includes being found guilty of, a plea of guilty to, a plea of no contest or nolo contendere to, or the receipt of a deferred judgment or deferred sentence for, any of the offenses listed above, but does not include any conviction for which the records have been ordered expunged or sealed.

Do you or a company you work for or own do business with the City of Louisville?
☐ YES ☐ NO If Yes, please explain below:

All information on this application is public record and may be released for public review.

I certify that the information in this application is true and complete. I understand that false statements, misrepresentations or omissions of information in this application may result in rejection of this application. The City is expressly authorized to investigate all statements contained in this application and, in connection therewith, to request a criminal history from the Colorado Bureau of Investigation. I consent to the release of information about my ability and fitness by employers, schools, criminal justice agencies, and other individuals and organizations to investigators, personnel staffing specialists, and other authorized employees of the City of Louisville, and release all parties for all liability for any damage that may result from furnishing such information.

In the event I am selected to serve on the City Council, I agree to comply with all of its ordinances, rules, and regulations. I grant full permission to use any photographs, videotapes, recordings or any other record of my participation as a City Councilmember.

BY SIGNING BELOW, I AGREE THAT I UNDERSTAND AND CONSENT TO THE ABOVE STATEMENT:

Signature

Date

CAMPAIGN FINANCE

Introduction

This guide is provided to assist candidates and campaign committees with compliance of state laws regarding public disclosure of campaign contributions and spending. The guide includes some background on campaign finance and key items to remember.

Background

In November, 2002 voters approved Amendment 27. This added campaign and political finance provisions, Article XXVIII, to the Colorado Constitution. To align statutory provisions with the new constitutional law, the State's General Assembly enacted House Bill 1132 in 2003 to modify the Colorado Revised Statutes in Title I, Article 45, the Fair Campaign Practices Act (FCPA). Additional changes have been made to Article 45 since 2003, and the Secretary of State has provided clarifying rules to assist with the implementation of the constitutional and statutory provisions.

These laws apply to City of Louisville candidates running for Mayor and City Council, and they apply to committees supporting or opposing Louisville ballot measures.

Remember that the State's Constitution, Statutes and Rules cover a broad range of state, county and other elected positions and committees other than those at the municipal level - reading through this material to decide which provisions are relative to your particular situation can be a challenge but is critical to compliance with campaign reporting requirements.

Laws Regulations, Forms, and Other Resources

A link to key resources is below, including: (1) Constitutional provisions, (2) statutory provisions, and (3) rules of the Secretary of State. The web site of the Colorado Secretary of State contains some excellent material that may be helpful for local candidates and committees including advisory opinions, decisions from the Office of Administrative Courts, and frequently asked questions about Colorado Campaign Finance Laws. A link to the campaign finance section of the web site is as follows:

<http://www.sos.state.co.us/pubs/elections/CampaignFinance/home.html>

Reports are Public Records

Campaign reports are considered open records and copies are frequently requested. Reports will be made available for public inspection.

Do I Need to Form a Candidate Committee?

The first question typically asked, is "Where do I begin and what is needed to begin accepting contributions or spending money to support a local candidate, or to support/oppose a local ballot measure?" You do not need a candidate committee if you will not solicit or accept contributions during your candidacy or if you will only spend your own money. However, you still must report expenditures to the City Clerk.

Registration of a committee is the first step! Campaign finance laws require your committee be registered before accepting contributions or making expenditures, and then there are periodic reports that must be completed and filed with the City Clerk. There are reporting deadlines to track and other requirements with which to comply.

Key Items and Dates to Remember

- File campaign reports with the **Louisville City Clerk's Office, 749 Main Street or by email to MeredythM@LouisvilleCO.gov**.
- Forms for local candidates are available at the City Clerk's Office.
- Filing deadlines for the November 5, 2019 election:
 - October 15, 2019: reporting period is beginning of campaign through October 15
 - November 1, 2019: reporting period is October 15 through November 1
 - December 5, 2019: reporting period is November 2 through December 5
 - November 1, 2020: Annually thereafter until committee closed
 - Amended reports : If needed, may be filed at any time
- Once opened, a committee can be closed only by filing a termination report that includes a zero balance.
- All contributions received must be deposited in a financial institution in a separate account with a title that includes the name of the committee.
- All contributions of \$20 or more must be itemized and include name of address of each person contributing; add the occupation and employer of each person making a contribution of \$100 or more.
- Contact the City Clerk's Office with any questions (MeredythM@LouisvilleCO.gov or 303.335.4536).
- The State's Fair Campaign Practices Act provisions apply to Louisville candidates and committees. The FCPA is available on the Secretary of State's Web site and includes the related provisions of the Colorado Constitution, Colorado Statutes, and the Secretary of State Rules. You may also sign up here for email updates to the FCPA:
http://www.sos.state.co.us/pubs/info_center/laws/Title1Article45.html
- Attached are the most commonly used forms

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

NEW COMMITTEE REGISTRATION FORM

Use this form if you are registering a new committee for Colorado Campaign Finance purposes.

☐ Candidate Committee

☐ Issue Committee

Committee Name: _____

Committee Address (Physical) _____

Committee Address (Mailing) _____

Phone Number: _____ Alternate Phone Number: _____

Email Address: _____

Purpose/Office Sought _____

Financial Institution Information:

Institution Name: _____

Institution Address: _____

Agent / Contact Information:

Name of Person Acting as Registered Agent: _____

Phone Number: _____ Registered Agent e-Mail: _____

Authorization: _____

Registered Agent's Signature: _____ Date: _____

Print Candidate Name: _____

Candidate Address: _____

Candidate Signature _____ Date: _____



City Clerk's Office
749 Main Street, Louisville, CO 80027
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MeredythM@LouisvilleCO.gov

PROHIBITED CONTRIBUTIONS

[Colorado Constitution Article XXVIII, Section 3]

No candidate's committee shall accept contributions from, or make contributions to, another candidate committee.

No person shall act as a conduit for a contribution to a candidate committee.

No candidate committee shall knowingly accept contributions from:

- Any natural person who is not a citizen of the United States;
- A foreign government; or
- Any foreign corporation that does not have the authority to transact business in this state pursuant to article 115 of title 7, C.R.S., or any successor section.

No candidate committee or issue committee shall accept contributions, or make expenditure, in currency or coin exceeding one hundred dollars.

No person shall make a contribution to a candidate committee or issue committee with the expectation that some or all of the amounts of such contribution will be reimbursed by another person. No person shall be reimbursed for a contribution made to any candidate committee or issue committee, nor shall any person make such reimbursement except as provided in Colo. Const. Art. XXVIII, Sec. 3(8).

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

REPORT OF CONTRIBUTIONS AND EXPENDITURES

The Report of Contributions and Expenditures is a financial report required for all committees, which accept contributions or make expenditures to support or oppose a candidate or an initiative seeking access to the ballot and/or a referendum placed on the ballot by the City Council. The report is comprised of seven (7) basic data entry pages along with several informational and instructional pages. The data entry forms consist of the Report of Contributions and Expenditures with the Detail Summary, Schedules A, B, C, D and the Statement of Non-Monetary Contributions. Completion of Schedules A, B, C, D and the Statement of Non-Monetary Contributions forms should be done prior to completion of the Report of Contributions and Expenditures and Detail Summary pages. Listed below are brief descriptions of what each data entry page accomplishes to help you complete and finalize this report.

Report on Contributions and Expenditures

(page 1) - A summary page of the committee or candidate name, address, financial institution, registered agent and the contribution/expenditure totals for a specific reporting period with the Detailed Summary page (page 2) that summarizes totals for all other data entry forms. Complete this 2-page form last.

Schedule A – This form is used to report monetary contributions received by the committee or party that exceed \$19.99 (Money received into the committee/candidate.)

Schedule B – This form is used to report expenditures paid out by the committee or candidate that exceed \$19.99 (Money expended/paid out by the committee/candidate.)

Schedule C – This form details loans received and repaid by the committee/candidate. (Money received by committee from a financial institution and/or repayment of a loan to a financial institution.)

Statement of Non-Monetary Contributions - This form details tangible contributions, which can be assessed a fair market value. Expenditures on behalf of a candidate that are coordinated with or controlled by the candidate, candidate's agent or issue committee shall be counted as a contribution to and expenditure by the candidate committee or the political party.

If filing the Report of Contributions and Expenditures manually, it **MUST** be received by the City Clerk's office on or before the due date. Postmark dates are not recognized. If you wish to file electronically, you may send the form by email to the City Clerk (MeredythM@LouisvilleCO.gov).

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

REPORT OF CONTRIBUTIONS AND EXPENDITURES

(1-45-108, C.R.S)

Full Name of Committee/Person: _____

As shown on Registration

Address of Committee/Person: _____

City, State & Zip Code: _____

Name/Address of Financial Institution: _____

Type of Report

- ☐ Regularly Scheduled Filing
- ☐ Amended Filing. This amends previous reported file on (date) _____
- ☐ Termination Report (Termination Report Must Have a Monetary Balance of Zero in Line 5)

Reporting Period Covered: _____ through: _____

Declared Total Spending (if applicable): \$ _____

TOTALS DETAILED SUMMARY PAGE

- | | |
|---|----------|
| 1. Funds on Hand at the Beginning of Reporting Period (monetary only) | \$ _____ |
| 2. Total Monetary Contributions (line 11) | \$ _____ |
| 3. Total Monetary Contributions & Beginning Amount (line1 + line 2) | \$ _____ |
| 4. Total Monetary Expenditure (line 19) | \$ _____ |
| 5. Funds on Hand at the End of Reporting Period (monetary) (line 3 –line 4) | \$ _____ |

The City's Election Official may impose a penalty of \$50.00 per day for each day that a report is filed late.

Authorization (must be completed by either the Registered Agent or the Candidate). *I hereby certify and declare, under penalty of perjury, that to the best of my knowledge or belief all contributions received during this reporting period, including any contributions received in the form of membership dues transferred by a membership organization, are from permissible sources.*

Print Registered Agent's Name: _____ Date: _____

Signature: _____

Print Candidate Name: _____ Date: _____

Signature: _____

DETAILED SUMMARY

Full Name of Committee/Person: _____

Current Reporting Period: _____ through _____

Funds on hand at the beginning of reporting period (Monetary Only)	\$ _____
6. Itemized Contributions \$20 or More (Please list on Schedule "A")	\$ _____
7. Total of Non-Itemized Contributions (\$19.99 or less)	\$ _____
8. Loans Received (Please list on Schedule "C")	\$ _____
9. Total of Other Receipts (Interest, etc.)	\$ _____
10. Returned Expenditures (From recipient) (Please list on Schedule "D")	\$ _____
11. Total Monetary Contributions (Total of lines 6 – 10)	\$ _____
12. Total Non-Monetary Contributions (Statement of Non-Monetary Contributions)	\$ _____
13. Total Contributions (Line 11 + line 12)	\$ _____
14. Itemized Expenditures \$20 or More (Please list on Schedule "B")	\$ _____
15. Total of Non-Itemized Expenditures (Expenditures of \$19.99 or Less)	\$ _____
16. Loan Repayments Made (Please list on Schedule "C")	\$ _____
17. Returned Contributions (To donor) (Please list on Schedule "D")	\$ _____
18. Total Coordinated Non-Monetary Expenditures (Candidate/Candidate Committee)	\$ _____

19. Total Monetary Expenditures (Total of Lines 14 -17)	\$ _____
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20. Total Spending (Line 18 + line 19)	\$ _____
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Schedule A Itemized Contributions Statement (\$20 or more)

Candidate/Issues Committees are required to disclose occupation and employer for all \$100 or more contributions.

Full Name of Committee/Person: _____

1. <u>Date Accepted</u>	4. Name (Last, First): _____
	5. Full Address: _____
2. <u>Contribution Amt</u>	6. Description: _____
	7. Employer (if applicable, mandatory): _____
3. <u>Aggregate Amt</u>	8. Occupation (if applicable, mandatory): _____
1. <u>Date Accepted</u>	4. Name (Last, First): _____
	5. Full Address: _____
2. <u>Contribution Amt</u>	6. Description: _____
	7. Employer (if applicable, mandatory): _____
3. <u>Aggregate Amt</u>	8. Occupation (if applicable, mandatory): _____
1. <u>Date Accepted</u>	4. Name (Last, First): _____
	5. Full Address: _____
2. <u>Contribution Amt</u>	6. Description: _____
	7. Employer (if applicable, mandatory): _____
3. <u>Aggregate Amt</u>	8. Occupation (if applicable, mandatory): _____
1. <u>Date Accepted</u>	4. Name (Last, First): _____
	5. Full Address: _____
2. <u>Contribution Amt</u>	6. Description: _____
	7. Employer (if applicable, mandatory): _____
3. <u>Aggregate Amt</u>	8. Occupation (if applicable, mandatory): _____

Schedule B Itemized Expenditures Statement (\$20 or more)

Full Name of Committee/Person: _____

1. <u>Date Expended</u>	4. Name: _____
	5. Address: _____
2. <u>Amount</u> \$	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____
1. <u>Date Expended</u>	4. Name: _____
	5. Address: _____
2. <u>Amount</u> \$	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____
1. <u>Date Expended</u>	4. Name: _____
	5. Address: _____
2. <u>Amount</u> \$	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____
1. <u>Date Expended</u>	4. Name: _____
	5. Address: _____
2. <u>Amount</u> \$	6. City/State/Zip: _____
	7. Purpose of Expenditure: _____



City of
Louisville

COLORADO • SINCE 1878

Schedule C – Loans

Full Name of Committee/Person: _____

LOANS – Loans Owed by the Candidate/ Committee:

(Use a separate schedule for each loan. This form is for line items 8 and 16 of the Detailed Summary Report.) (A candidate's candidates committee may receive a loan from a financial institution organized under state or federal law if the loan bears the usual and customary interest rate, is made on a basis that assures repayment, is evidenced by a written instrument, and is subject to a due date or amortization schedule.)

LOAN SOURCE

Name (Last, First or Institution): _____

Address: _____

City/State/Zip: _____

Original Loan Amount: \$ _____ Interest Rate _____

Total of All Loans This Reporting Period:

\$ _____ (place on line 8 of Detailed Summary)

Loan Amount Received this Reporting Period: \$ _____

Principal Amount Paid This Reporting Period: \$ _____

Interest Amount Paid This Reporting Period: \$ _____
(Amount Repaid is sum of Principal & Interest entered on Detail Summary)

Total Repayments Made: \$ _____
(Sum of Schedule C pages, Place on line 16 of Detailed Summary)

Outstanding Balance: \$ _____

TERMS OF LOAN:

_____ Date Loan Received

_____ Due Date for Final Payment

LIST ALL ENDORSERS OR GUARANTORS OF THIS LOAN

Full Name	Address, City, State, Zip	Amount Guaranteed

Schedule D – Returned Contributions & Expenditures

Full Name of Committee/Person: _____

Returned Contributions: *Contributions accepted and then returned to donors*

1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. Date Returned:	5. Address: _____
3. <u>Amount:</u> \$	6. City/State/Zip: _____
	7. Purpose: _____
1. <u>Date Accepted</u>	4. Name (Last, First): _____
2. Date Returned:	5. Address: _____
3. <u>Amount:</u> \$	6. City/State/Zip: _____
	7. Purpose: _____

Returned Expenditures: *Expenditures returned or refunded to the committee*

1. <u>Date Expended</u>	4. Name (Last, First): _____
2. <u>Date Returned</u>	5. Address: _____
3. <u>Amount:</u> \$	6. City/State/Zip: _____
	7. Comment: _____
1. <u>Date Expended</u>	4. Name (Last, First): _____
2. <u>Date Returned</u>	5. Address: _____
3. <u>Amount:</u> \$	6. City/State/Zip: _____
	7. Comment: _____

City Clerk's Office
749 Main Street, Louisville, CO 80027
303.335.4536
MeredythM@LouisvilleCO.gov

date stamp

**CANDIDATE STATEMENT OF NON-RECEIPT OF CONTRIBUTIONS
AND NON-EXPENDITURE OF FUNDS**

[1-45-108(1) & 1-45-109, C.R.S.]

This form is for the use of candidates who do not have a campaign committee and have not received contributions nor made expenditures. No expenditures have been made on behalf of the candidate.

Name of Candidate: _____

Address of Candidate _____

City, State, Zip: _____

Reporting Period: Beginning Date _____ Ending Date _____

CONTRIBUTIONS RECEIVED OR RECEIVABLE DURING THIS REPORTING PERIOD

\$0.00

EXPENDITURES MADE OR INCURRED DURING THIS REPORTING PERIOD

\$0.00

I, _____, affirm that no person received contributions on my behalf nor made any expenditures on my behalf. No contributions have been pledged to me, nor on my behalf. I have not received any contributions nor have I made or incurred any expenditures on my own behalf during this election reporting period.

Candidate Signature

Date



Statement of Non-Monetary Contributions

Full Name of Committee/Person: _____

1. <u>Date Provided</u>	4. Name (Last, First): _____
	5. Full Address: _____
2. <u>Fair Market Value</u>	6. Description: _____
	7. Employer: (mandatory) _____
3. <u>Aggregate Amt.</u> \$	8. Occupation: (mandatory) _____
1. <u>Date Provided</u>	4. Name (Last, First): _____
	5. Full Address: _____
2. <u>Fair Market Value</u> \$	6. Description: _____
	7. Employer: (mandatory) _____
3. <u>Aggregate Amt.</u> \$	8. Occupation: (mandatory) _____
1. <u>Date Provided</u>	4. Name (Last, First): _____
	5. Full Address: _____
2. <u>Fair Market Value</u> \$	6. Description: _____
	7. Employer: (mandatory) _____
3. <u>Aggregate Amt.</u> \$	8. Occupation: (mandatory) _____
1. <u>Date Accepted</u>	4. Name (Last, First): _____
	5. Full Address: _____
2. <u>Contribution Amt</u> \$	6. Description: _____
	7. Employer: (mandatory) _____
3. <u>Aggregate Amt</u> \$	8. Occupation: (mandatory) _____

C.R.S. 1-45-103
COLORADO REVISED STATUTES
TITLE 1. ELECTIONS
ELECTION CAMPAIGN REGULATIONS
ARTICLE 45 FAIR CAMPAIGN PRACTICES ACT

1-45-101 Short Title: This article shall be known and may be cited as the "Fair Campaign Practices Act".

1-45-102 Legislative declaration: The people of the state of Colorado hereby find and declare that large campaign contributions to political candidates allow wealthy contributors and special interest groups to exercise a disproportionate level of influence over the political process; that large campaign contributions create the potential for corruption and the appearance of corruption; that the rising costs of campaigning for political office prevent qualified citizens from running for political office; and that the interests of the public are best served by limiting campaign contributions, encouraging voluntary campaign spending limits, full and timely disclosure of campaign contributions, and strong enforcement of campaign laws.

1-45-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Appropriate officer" shall have the same meaning as set forth in section 2 (1) of article XXVIII of the state constitution.

(1.3) "Ballot issue" shall have the same meaning as set forth in section 1-1-104 (2.3); except that, for purposes of section 1-45-117, "ballot issue" shall mean both a ballot issue as defined in this subsection (1.3) and a ballot question.

(1.5) "Ballot question" shall have the same meaning as set forth in section 1-1-104 (2.7).

(2) "Candidate" shall have the same meaning as set forth in section 2 (2) of article XXVIII of the state constitution.

(3) "Candidate committee" shall have the same meaning as set forth in section 2 (3) of article XXVIII of the state constitution.

(4) "Candidate committee account" shall mean the account established by a candidate committee with a financial institution pursuant to section 3 (9) of article XXVIII of the state constitution.

(5) "Conduit" shall have the same meaning as set forth in section 2 (4) of article XXVIII of the state constitution.

(6) (a) "Contribution" shall have the same meaning as set forth in section 2 (5) of article XXVIII of the state constitution.

(b) "Contribution" includes, with regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, but not limited to, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration as determined by the candidate committee.

(c) "Contribution" also includes:

(I) Any payment, loan, pledge, gift, advance of money, or guarantee of a loan made to any political organization;

(II) Any payment made to a third party on behalf of and with the knowledge of the political organization; or

(III) The fair market value of any gift or loan of property made to any political organization.

(7) "Corporation" means a domestic corporation incorporated under and subject to the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S., a domestic nonprofit corporation incorporated under and subject to the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, C.R.S., or any corporation incorporated under and subject to the laws of another state. For purposes of this article, "domestic corporation" shall mean a for-profit or nonprofit corporation incorporated under and subject to the laws of this state, and "nondomestic corporation" shall mean a corporation incorporated under and subject to the laws of another state or foreign country. For purposes of this article, "corporation" includes the parent of a subsidiary corporation or any subsidiaries of the parent, as applicable.

(7.3) (a) "Donation" means:

(I) The payment, loan, pledge, gift, or advance of money, or the guarantee of a loan, made to any person for the purpose of making an independent expenditure;

(II) Any payment made to a third party that relates to, and is made for the benefit of, any person that makes an independent expenditure;

(III) The fair market value of any gift or loan of property that is given to any person for the purpose of making an independent expenditure; or

(IV) Anything of value given, directly or indirectly, to any person for the purpose of making an independent expenditure.

(b) "Donation" shall not include a transfer by a membership organization of a portion of a member's dues for an independent expenditure sponsored by such membership organization.

(7.5) "Earmark" means a designation, instruction, or encumbrance that directs the transmission by the recipient of all or part of a donation to a third party for the purpose of making one or more independent expenditures in excess of one thousand dollars.

(8) "Election cycle" shall have the same meaning as set forth in section 2 (6) of article XXVIII of the state constitution.

(9) "Electioneering communication" shall have the same meaning as set forth in section 2 (7) of article XXVIII of the state constitution.

(10) "Expenditure" shall have the same meaning as set forth in section 2 (8) of article XXVIII of the state constitution.

(10.5) "Foreign corporation" means:

(a) A parent corporation or the subsidiary of a parent corporation formed under the laws of a foreign country that is functionally equivalent to a domestic corporation;

(b) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a combined ownership interest that exceeds fifty percent;

(c) A parent corporation or the subsidiary of a parent corporation in which one or more foreign persons hold a majority of the positions on the corporation's board of directors; or

(d) A parent corporation or the subsidiary of a parent corporation whose United States-based operations, or whose decision-making with respect to political activities, falls under the direction or control of a foreign entity, including the government of a foreign country.

(11) "Independent expenditure" shall have the same meaning as set forth in section 2 (9) of article XXVIII of the state constitution.

(11.5) "Independent expenditure committee" means one or more persons that make an independent expenditure in an aggregate amount in excess of one thousand dollars or that collect in excess of one thousand dollars from one or more persons for the purpose of making an independent expenditure.

(12) (a) "Issue committee" shall have the same meaning as set forth in section 2 (10) of article XXVIII of the state constitution.

(b) For purposes of section 2 (10) (a) (I) of article XXVIII of the state constitution, "major purpose" means support of or opposition to a ballot issue or ballot question that is reflected by:

(I) An organization's specifically identified objectives in its organizational documents at the time it is established or as such documents are later amended; or

(II) An organization's demonstrated pattern of conduct based upon its:

(A) Annual expenditures in support of or opposition to a ballot issue or ballot question; or

(B) Production or funding, or both, of written or broadcast communications, or both, in support of or opposition to a ballot issue or ballot question.

(c) The provisions of paragraph (b) of this subsection (12) are intended to clarify, based on the decision of the Colorado court of appeals in *Independence Institute v. Coffman*, 209 P.3d 1130 (Colo. App. 2008), cert. denied, --- U.S. ---, 130 S. Ct. 165, 175 L. Ed. 479 (2009), section 2 (10) (a) (I) of article XXVIII of the state constitution and not to make a substantive change to said section 2 (10) (a) (I).

(12.5) "Media outlet" means a publication or broadcast medium that transmits news, feature stories, entertainment, or other information to the public through various distribution channels, including, without limitation, newspapers; magazines; radio; and broadcast, cable, or satellite television.

(12.7) "Obligating" means, in connection with a named candidate, agreeing to spend in excess of one thousand dollars for an independent expenditure or to give, pledge, loan, or purchase one or more goods, services, or other things of value that have a fair market value in excess of one thousand dollars as an independent expenditure. "Obligating" shall not require that the total amount in excess of one thousand dollars be finally determined at the time of the agreement to spend moneys for an independent expenditure or to give, pledge, loan, or purchase anything of value.

(13) "Person" shall have the same meaning as set forth in section 2 (11) of article XXVIII of the state constitution.

(14) "Political committee" shall have the same meaning as set forth in section 2 (12) of article XXVIII of the state constitution.

(14.5) "Political organization" means a political organization defined in section 527 (e) (1) of the federal "Internal Revenue Code of 1986", as amended, that is engaged in influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and that is exempt, or intends to seek any exemption, from taxation pursuant to section 527 of the internal revenue code. "Political organization" shall not be construed to have the same meaning as "political organization" as defined in section 1-1-104 (24) for purposes of the "Uniform Election Code of 1992", articles 1 to 13 of this title.

(15) "Political party" shall have the same meaning as set forth in section 2 (13) of article XXVIII of the state constitution.

(16) "Small donor committee" shall have the same meaning as set forth in section 2 (14) of article XXVIII of the state constitution.

(16.5) "Spending" means funds expended influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any state or local public office in the state and includes, without limitation, any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value by any political organization, a contract, promise, or agreement to expend funds made or entered into by any political organization, or any electioneering communication by any political organization.

(17) "Subsidiary" means a business entity having more than half of its stock owned by another entity or person, or a business entity of which a majority interest is controlled by another person or entity.

(18) "Unexpended campaign contributions" shall have the same meaning as set forth in section 2 (15) of article XXVIII of the state constitution.



COLORADO • SINCE 1878

ACKNOWLEDGEMENT OF RECEIPT

I, _____, have received a copy of **Article 5**
(Print Your Name Legibly)

Ethics, of the Louisville Home Rule Charter. I understand that I am responsible to become familiar with the contents of the Code of Ethics, and I agree to abide by the provisions of the code.

Signature

Date

The Code of Ethics is included in the Home Rule Charter, which was approved by the City's registered electors on November 6, 2001. The Charter was filed with the Colorado Secretary of State on November 14, 2001, and took effect immediately thereafter. Amendments to the Charter were approved by the registered electors on November 2, 2004.

You are required to acknowledge receipt of the Code of Ethics. Please sign, date and return this page to the City Clerk's Office, 749 Main Street, Louisville, CO 80027.



CODE OF ETHICS

ARTICLE 5

LOUISVILLE HOME RULE

CHARTER

ARTICLE 5

ETHICS

Section 5-6. Code of Ethics - Declaration of Purpose.

- (a) Sections 5-6 through 5-17 shall be known as the Code of Ethics.
- (b) Those entrusted with positions in the City government must commit to adhering to the letter and spirit of the Code of Ethics. Only when the people are confident that those in positions of public responsibility are committed to high levels of ethical and moral conduct, will they have faith that their government is acting for the good of the public. This faith in the motives of officers, public body members, and employees is critical for a harmonious and trusting relationship between the City government and the people it serves.
- (c) While it is critical that persons holding positions in the City government follow both the letter and spirit of the Code of Ethics, it is equally important that they strive to avoid situations that may create public perceptions of violations of the Code of Ethics. Perceptions of such violations can have the same negative impacts on public trust as actual violations.
- (d) The Code of Ethics is intended to foster public trust by defining the parameters of honest government and by prohibiting the use of public office for private gain.
- (e) To the extent matters addressed in the Code of Ethics are also addressed in state or federal law, it is the intent of the Code of Ethics that the more restrictive provisions shall control.

Section 5-7. Code of Ethics - Definitions.

For purposes of the Code of Ethics only, the following words shall have the following meanings:

- (a) "Business entity" means:
 - (1) Any corporation whether for profit or nonprofit, governmental entity, business, trust, limited liability company, partnership, association, or other legal entity; and
 - (2) Any other form of business, sole proprietorship, firm, or venture, carried on for profit.
- (b) "Contract" means any arrangement or agreement pursuant to which any material, service, or other thing of value is to be furnished for a valuable consideration or is to be sold or transferred.
- (c) "Domestic partnership" means an exclusive committed relationship between two (2) unmarried adult persons who are unrelated by blood, maintain a mutual residence, and share basic living expenses.

(d) "Interest" means a pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss, but does not include:

(1) Any matter in which a similar benefit is conferred to all persons or property similarly situated nor does it include the ownership or control of shares of stock; or

(2) Any beneficial interest in shares of stock, the aggregate amount of which constitutes one (1) percent or less of the shares of stock of the business entity then outstanding.

(e) "Official action" means any legislative, administrative, or quasi-judicial act of any officer, public body member, or employee, or of the City Council or any public body of the City.

(f) "Public body" means any board or commission, or any task force or committee, except any task force or committee for which the City Council determines, in the resolution establishing it, that Sections 5-6 through 5-17, or such portions thereof as selected by the Council, shall not apply because the public interest would be served by the participation of persons who would otherwise have an interest in the matters to be addressed by the task force or committee.

(g) "Relative" means any person related to an officer, public body member, or employee by blood, marriage, or domestic partnership, in any of the following degrees: parents, spouse, children, brothers, sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A separation between spouses shall not be deemed to terminate relationships described herein.

Section 5-8. Code of Ethics - Related persons and entities; duration of interest.

(a) An interest of the following persons and entities shall be deemed to constitute an interest of the officer, public body member, or employee for purposes of the requirements of Section 5-9 and Section 5-10:

(1) Any relative of the officer, public body member, or employee; or

(2) Any business entity in which the officer, public body member, or employee is an officer, director, employee, partner, principal, member, or owner (other than stockholder);

(3) Any business entity in which the officer, public body member, or employee owns or controls shares of stock, or any beneficial interest in shares of stock, the aggregate amount of which constitutes more than one (1) percent of the shares of stock of the business entity then outstanding; or

(4) Any business entity in which the officer is an officer, director, employee, partner, principal, member, or owner (other than stockholder), where the business entity is seeking to advance its financial benefit through an official action of the City, if the officer would be directly or indirectly involved in making the decision.

(b) For purposes of the Code of Ethics, participation in a stock mutual fund shall not be considered an interest in any business entity in which the mutual fund owns or controls shares of stock.

(c) For purposes of the Code of Ethics, the parties to a domestic partnership shall be treated as the equivalent of spouses, and the domestic partnership shall be treated as the equivalent of marriage.

(d) For purposes of the Code of Ethics, an officer shall be deemed to continue to have an interest in a business entity for a period of one (1) year after the officer's actual interest has ceased.

Section 5-9. Code of Ethics - Standards.

(a) The following requirements shall constitute reasonable standards and guidelines for the ethical conduct of officers, public body members, and employees.

(b) No officer, public body member, or employee who has the power or duty to perform, or has any influence over, an official action related to a contract, shall:

(1) Have or acquire an interest in a contract between a business entity and the City, unless the City's procedures applicable to the solicitation and acceptance of such contract are followed and unless the officer, public body member, or employee has complied with the provisions of Section 5-10;

(2) Have an interest in any business entity which is a party to the contract with the City, unless the officer, public body member, or employee has complied with the provisions of Section 5-10;

(3) Represent or appear before the City Council, any public body, or any other officer, public body member, or employee, on behalf of any business entity which is a party to the contract with the City;

(4) Have solicited or accepted present or future employment with any business entity which is a party to a contract with the City, if the offer or acceptance of such employment is related to or results from any official action performed by the officer, public body member, or employee with regard to the contract; or

(5) Solicit, accept, or be granted a present or future gift, favor, discount, service or thing of value from or for any person involved in the contract. Nothing in this paragraph shall prohibit any officer, public body member, or employee from accepting an occasional nonpecuniary gift of fifteen dollars (\$15.00) or less in value, or from accepting an award, publicly presented, in recognition of public service. However, no officer, public

body member, or employee shall accept a nonpecuniary gift of any value if the gift is or may be in any way associated with a contract that is or may be one for which the officer, public body member, or employee has the power or duty to perform an official action.

(c) No officer, public body member, or employee shall be directly responsible for the hiring, appointment, retention, or supervision of, or influence or attempt to influence the hiring, appointment, supervision, or retention by the City of, any relative of the officer, public body member, or employee.

(d) No officer, public body member, or employee shall influence or attempt to influence the compensation, benefits, or other terms and conditions of City office or City employment applicable to a relative of the officer, public body member, or employee.

(e) No relative of an officer, public body member, or employee shall be hired as an employee unless the City's personnel procedures applicable to such employment have been followed.

(f) No officer, public body member, or employee shall use for personal or private gain, or for any other personal or private purposes, any information which is not available to the public and which is obtained by reason of his or her position with the City, or disclose any such information except as required by law or for City purposes.

(g) No employee shall engage in or accept any employment or service, other than employment by the City, if such employment or service reasonably would tend to impair the employee's independence of judgment in the performance of the employee's duties. This restriction shall not be construed to prohibit any other restrictions or prohibitions on outside employment applicable to an employee.

(h) Neither the City Manager, nor any employee who is the head of a City department, shall be appointed to serve as a member of a public body.

(i) No officer, public body member, or employee shall request or direct the use of an employee's working time for the City, and no employee shall use his or her working time for the City, for personal or private purposes.

(j) No officer, public body member, or employee shall request, direct, or permit the personal or private use of any City vehicle or City equipment except in the same manner and under the same circumstances applicable to any person who is not an officer, public body member, or employee, unless such use will substantially benefit the City.

(k) No officer, public body member, or employee shall request, or grant to any person, any special consideration, treatment, or advantage beyond that which is available to every other person in similar circumstances or need.

(l) No officer, public body member, or employee shall, at any time within two (2) years after termination from the City:

(1) Appear on behalf of the officer's, public body member's, or employee's interest, or on behalf of the interest of any other person, before the City Council, any public body, or department of the City, in relation to any matter concerning which the officer, public body member, or employee performed an official act; or

(2) Represent the interest of the officer, public body member, or employee, or of any other person, in any other matter before the City Council, any public body, or department of the City, without disclosing to the City the officer's, public body member's, or employee's prior relationship to the City and present relationship to the interest.

(m) Except as provided in Subsection (n), no officer, public body member, or employee shall appear before the City Council or any public body on behalf of any business entity.

(n) A member of a public body may appear on behalf of a business entity before the City Council or before a public body other than the public body of which he or she is a member, so long as the appearance does not concern any matter that has or may come before the public body of which he or she is a member.

(o) Nothing in the Code of Ethics shall preclude an officer, public body member, or employee from appearing before the City Council, any public body, or any other officer, public body member, or employee on behalf of any person which is not a business entity, so long as the appearance does not concern the officer's, public body member's, or employee's interest.

(p) No officer or public body member shall offer or promise to give his or her vote or influence in favor of or against any proposed official action in consideration or upon condition that any other officer, public body member, will promise or assent to give his or her vote or influence in favor of or against any other proposed official action.

(q) No officer shall become a City employee at any time during the term of office, or for two (2) years after leaving office.

(r) No officer shall acquire or seek to acquire any real estate or interest therein if the officer knows, or reasonably should know, that the Council is evaluating, proposing, or pursuing the acquisition of such real estate or interest therein. The officer's knowledge shall be presumed if the minutes or other record of any Council meeting or study session reflect any discussion of the same, or if the officer was present at any executive session at which the same was discussed. The prohibitions of this subsection shall continue to apply until after the Council has abandoned any effort to acquire such real estate or interest therein, and such abandonment has been reflected in the minutes or other record of a Council meeting.

Section 5-10. Code of Ethics - Disclosure of Interest; Non-Participation in Discussion or Action.

(a) The procedures of this section shall be followed by:

(1) Each officer who has an interest in, or whose interest would be affected by, any proposed official action before the City Council; and

(2) Each public body member who has an interest in, or whose interest would be affected by, any proposed official action before the public body of which the person is a member.

(b) Each officer or public body member, when required to follow this section, shall:

(1) Immediately and publicly disclose the nature and extent of the interest;

(2) Not participate in any discussion or decision concerning the proposed action; and

(3) Leave the room where the discussion or decision is taking place during the time the proposed action is being discussed and the decision is being made.

(c) With respect to any official action in which an officer, public body member, or employee has an interest, the officer, public body member, or employee shall not:

(1) Participate in any discussion with the City Council, any public body, or any other employee, concerning such an action to be taken by the City Council, the public body, or the other employee; or

(2) Attempt to influence publicly or privately, the City Council, any public body, or any other employee, in connection with an official action described in Paragraph (1).

(d) With respect to any official action that would affect the interest of a competitor of a business entity in which an officer, public body member, or employee has an interest, the officer, public body member, or employee shall not:

(1) Participate in any discussion with the City Council, any public body, or any other employee, concerning such an action to be taken by the City Council, the public body, or the other employee; or

(2) Attempt to influence publicly or privately, the City Council, any public body, or any other employee, in connection with an official action described in Paragraph (1).

Section 5-11. Code of Ethics - Filing of Financial Disclosure Statement.

(a) Within three (3) working days after a person has filed a nomination petition or write-in affidavit of intent for the office of Mayor or Councilmember, and within five (5) working days after a person has been appointed to fill a vacancy in such office, the person shall complete, sign, and file with the City Clerk a disclosure statement that contains:

(1) The person's employer and occupation and the nature of any income in excess of one thousand dollars (\$1,000.00) per year per source, including without limitation, capital gains whether or not taxable, dividends, interest, wages, salaries, rents, and profits;

(2) The name, location, and nature of activities of any business entity with holdings of real or personal property or with business dealings in Boulder County, in which the person has any interest, and the nature of the interest;

(3) The location of any real property within Boulder County in which the person has an interest or, if the person has a controlling interest in an entity or enterprise disclosed pursuant to Paragraph (2), in which the controlled entity or enterprise has any interest and the nature of such interest;

(4) A sworn or verified statement signed by the person, under penalty of perjury, stating that to the best of the person's knowledge, information, and belief, the person has provided, accurately and completely, all of the information required by the disclosure form in compliance with the Code of Ethics. The statement shall contain:

(A) An acknowledgment that, for the purposes of Sections 5-9 and 5-10, the person is deemed to have an interest in his or her own financial affairs, and in that of the person's spouse and other relatives as specified in the Code of Ethics; and

(B) An acknowledgment that, for the purposes of Sections 5-9 and 5-10, the person understands that he or she must disclose such an interest pursuant to Section 5-10 and comply with the non-participation provisions thereof, and that it is a violation of the Code of Ethics to fail to file the statement within the time required herein; and

(C) Such additional information as the person making the disclosure desires.

(b) Except as specifically provided herein, the form and content of the disclosure statement referred to in Subsection (a) shall be established by resolution of the City Council.

(c) Notwithstanding any other provision of this section, no candidate, officer, or public body member shall be required to disclose any confidential relationship protected by law.

(d) By no later than September 10 of each year, each officer shall file an amended disclosure statement with the City Clerk, or notify the City Clerk in writing that the officer has no change of financial condition regarding the disclosed items since the previously filed disclosure statement.

Section 5-12. Code of Ethics - Enforcement.

(a) The provisions of Sections 5-9 through 5-11 shall be enforced as follows:

(1) The City Prosecutor shall have the primary responsibility for administration of said provisions.

(2) Any person who believes that an officer, public body member, or employee has violated any of said provisions and wishes to initiate proceedings on such alleged violations shall file a written complaint with the City Prosecutor. The complaint shall state in detail the facts of the alleged violation, shall specify the section or sections of the Code of Ethics alleged to have been violated, and shall contain a sworn or verified statement signed by the complainant and stating under penalty of perjury that the information in the complaint is true and accurate, and that the complaint is filed in good faith and not out of malice or any other improper motive or purpose. Any complaint which does not contain such a signed statement shall be returned forthwith to the complainant without action.

(3) If the complaint is made against an officer or public body member, within ten (10) days after receipt of the complaint the City Prosecutor shall forward a copy of the complaint to the officer or public body member against whom the complaint is made, and to an advisory judge referred to in Section 5-13. The City Prosecutor shall request the advisory judge to appoint a qualified disinterested attorney to serve as special prosecutor. If, within ten (10) days after the request, the advisory judge has not appointed a special prosecutor, the City's municipal judge shall appoint a qualified disinterested attorney to serve as special prosecutor. The reasonable expenses and fees of an advisory judge making such an appointment and of the attorney serving as special prosecutor shall be paid by the City. The attorney recommended or appointed pursuant to this paragraph shall serve as special prosecutor for purposes of investigation and action on the complaint, and shall take such actions concerning the complaint as are consistent with the Code of Ethics, the Colorado municipal court rules of procedure, and the prosecutor's ethical responsibilities. Before completing the investigation, the special prosecutor shall provide the officer or public body member against whom the complaint is made an opportunity to provide information concerning the complaint.

(4) If the complaint is against an employee, the City Prosecutor shall investigate the complaint and shall take such actions concerning the complaint as are consistent with the Code of Ethics, the Colorado municipal court rules of procedure, and the prosecutor's ethical responsibilities. Within ten (10) days after receipt of the complaint the City Prosecutor shall forward a copy of the complaint to the employee against whom the complaint is made and, before completing the investigation, shall provide the employee an opportunity to provide information concerning the complaint.

(b) A person commits false reporting of a complaint under this section if:

(1) The person makes a complaint of a violation under Sections 5-9 through 5-11 or knowingly causes the transmission of a complaint to the City Prosecutor of such a violation when the person knows that the violation did not occur; or

(2) The person makes a complaint or knowingly causes the transmission of a complaint to the City Prosecutor pretending to furnish information relating to a violation of Sections 5-9 through 5-11 when the person knows that he or she has no such information or knows that the information is false.

(c) A person who is convicted of false reporting of a complaint under this section shall be punished as provided in Section 16-7 of this Charter.

Section 5-13. Code of Ethics - Advisory Opinions.

(a) The municipal judge shall maintain the consent of one (1) or more judges of municipalities other than the City, to provide advisory opinions with respect to the applicability of Sections 5-9 through 5-11. The names of such advisory judges shall be provided to the City Council, the City Manager, and the City Attorney. The reasonable expenses and fees of an advisory judge providing such an opinion shall be paid by the City.

(b) If any officer, public body member, or employee is uncertain as to the applicability of Sections 5-9 through 5-11 to a particular situation, or as to the definition of terms used in said sections, the officer, public body member, or employee may apply in writing to the City Council, Mayor, or City Manager for an opinion from an advisory judge pursuant to this section, and the City Council, Mayor, or City Manager may submit an application to the advisory judge for procurement of an opinion. Any officer or public body member may apply directly to an advisory judge for an opinion. The application shall state in detail the applicable facts and the section or sections of the Code of Ethics concerning which the opinion is requested.

(c) Any person who requests and acts in accordance with an advisory opinion issued pursuant to this section shall not be subject to any penalties for such action under the Code of Ethics, unless material facts were omitted or misstated in the request for the advisory opinion.

(d) An opinion rendered by an advisory judge pursuant to this section shall be disclosed to the public by posting, unless the advisory judge who issued the opinion determines it in the best interest of the City to delay such posting, in which case the opinion shall be posted as soon as the judge determines that the best interest of the City will no longer be harmed by public disclosure of the opinion.

Section 5-14. Code of Ethics - Violations - Penalties.

An officer, public body member, or employee who is convicted of a violation of any of the provisions of Sections 5-9 through 5-11 shall be punished as provided in Section 16-7 of this Charter.

Section 5-15. Code of Ethics - Violations - Voiding of Contract.

Any contract which was the subject of any official action of the City in which there was or is an interest prohibited by the Code of Ethics shall be voidable at the option of the City, if legally permitted. Where the City Attorney determines that the public interest may best be served by not voiding such contract, it may be enforced and an action or proceeding may be brought against any officer, public body member, or employee in violation of the provisions of the Code of Ethics for damages in an amount not to exceed twice the damages suffered by the City or twice the profit or gain realized by the officer, public body member, or employee, whichever is greater.

Section 5-16. Code of Ethics - Violations - Injunction.

The City Prosecutor shall have the power, where a violation of the provisions of the Code of Ethics is threatened or has occurred, to bring a civil action or proceeding at law or in equity for a judgment enjoining any violation of the provisions of the Code of Ethics.

Section 5-17. Code of Ethics - Distribution.

The City Clerk shall cause a copy of the Code of Ethics, and any forms required for compliance with the Code of Ethics, to be distributed to each officer, public body member, and employee of the City within twenty (20) days after the adoption of the Charter, and to each officer, public body member, and employee elected, appointed, or hired thereafter, before entering into any duties with the City, and to each candidate for elective office at the time the candidate obtains a nomination petition. In addition, the City Clerk shall cause a copy of any amendment to the Code of Ethics to be distributed to each officer, public body member, and employee of the City within twenty (20) days after the enactment of the amendment.

Section 5-18. Notices and Agendas.

(a) Any meeting of a public body shall be preceded by the posting of a notice of and agenda for the meeting. Except as provided in Section 4-2, the notice and agenda shall be posted, and published on the City's website, no less than 72 hours before the meeting.

(b) The agenda for any non-emergency meeting of a public body shall contain an itemized list of all subjects on which substantive discussions are reasonably expected or which may be the subject of formal action.

(c) No public body shall engage in substantive discussions relating to, or take formal action on, any subject at a non-emergency meeting when that subject was not listed in the agenda for that meeting and is not substantially related to any subject listed in the agenda, provided, however, that the City Council may engage in substantive discussions and take formal action on a matter of public business not on the agenda, upon a finding by the presiding officer that such discussions or action will promote the general welfare of the City, it is important that the matter be acted upon before the next

formal City Council meeting, and it would be injurious to the City to await action on the matter until the next formal City Council meeting.

(d) For purposes of this Section, a subject is not substantially related to a subject listed in the agenda when a person reading the agenda before the meeting would not have reasonably expected that the subject would be substantively discussed or formally acted upon at the meeting.

(e) At any non-emergency meeting of a public body, any member of the public who in good faith believes that a meeting is proceeding in violation of subsection (c) of this Section shall be entitled to submit a brief written objection to the official presiding over the meeting; the written objection shall specify the ground for the objection. The presiding official shall exercise his or her discretion in determining whether the meeting is in compliance with this Section, and shall conduct the meeting in accordance with that determination. The written objection shall be retained permanently in the records of the City. The City may adopt laws or regulations, consistent with this Section, to prevent the abuse of this subsection (e). (Entire Section Added by Initiative Approved 11/02/04).

RESOURCES

Colorado Municipal League

CML.org

City of Louisville City Council Agendas, Minutes, Goals, Work Plans, and Other Information

<http://www.louisvilleco.gov/residents/city-council>

City of Louisville Biennial Operating and Capital Budgets

<http://www.louisvilleco.gov/residents/finance-and-utility-billing>

List of City Council assignments to boards/commissions and regional agencies

Attached

2019 City Council Committee Assignments

Board/Commission	Meeting Day/Time (subject to change)	Councilmember Assignment
Boulder County Consortium of Cities	Generally meets the first Wednesday of every other month.	Keany, Leh (alternate)
Denver Regional Council of Governments	3rd Wednesday of the month, 6:30 pm	Stolzmann, Maloney (alternate)
CC4CA	1 st Friday of even months, 9 - 11 am	Stolzmann
Superior/Louisville Joint Interest Committee	As needed	Maloney, Stolzmann
Lafayette/Louisville Joint Interest Committee	As needed	Keany, Leh
Commuting Solutions	Quarterly	Loo
Finance Committee	3 rd Monday of the Month at 8:00 am	Maloney, Muckle, Lipton
Utility Committee	Bi-monthly, Friday at 7:30 am	Maloney, Muckle, Stolzmann
Legal Review Committee	Quarterly, 3 rd Thursday of the month, 4 pm	Leh, Loo, Muckle
Business Retention & Development Committee	1 st Monday of the month, 8 am	Leh, Loo
Cultural Council	3 rd Thursday of the month, 6:30 pm	Lipton
Historical Commission	1 st Wednesday of odd-numbered months, 6:30 pm	Muckle
Library Board of Trustees	2 nd Thursday of odd-numbered months, 6:30 pm	Leh
Open Space Advisory Board	2 nd Wednesday of the month, 7:00 pm	Muckle
Parks & Public Landscaping Advisory Board	1 st Thursday of the month, 7:00 pm	Loo
Recreation Advisory Board	4 th Monday of the month, 7:30 am	Lipton
Revitalization Commission	2 nd Monday of the month, 7:30 am	Lipton
Sustainability Advisory Board	3 rd Wednesday of the month, 6:30 pm	Keany
Youth Advisory Board	1 st Thursday of the month, September – May, 6:30 pm	Keany